

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135B.7, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 51, “Hospitals,” Iowa Administrative Code.

Items 1 and 2 amend rule 481—51.18(135B). The current rule conflicts with federal requirements for laboratory services and is more strict than the federal requirements. The amendments to requirements for laboratory services make those requirements consistent with federal law.

Items 3 to 5 amend rule 481—51.41(135B) to implement legislative changes to Iowa Code section 135B.34 made in 2014 Iowa Acts, House File 2365. The legislation provides employers with additional time to verify the conviction or entry of a record of founded abuse of current employees. The change from 48 hours to seven calendar days was recommended by the Background Check Study Committee that met in 2013 pursuant to 2013 Iowa Acts, Senate File 347. The Committee recommended the change because the information necessary for employers to verify a conviction or founded abuse may take up to seven calendar days to be available on the system used by employers for verification.

The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

The Hospital Licensing Board approved the proposed amendments at its August 28, 2014, meeting. The State Board of Health initially reviewed the proposed amendments at its September 10, 2014, meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 21, 2014. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 135B.7 and 135B.34 and 2014 Iowa Acts, House File 2365.

The following amendments are proposed.

ITEM 1. Amend subrule 51.18(3) as follows:

51.18(3) The hospital must ensure that all laboratory services provided to its patients are performed in a laboratory certified and operating in accordance with the Code of Federal Regulations in 42 CFR Part 493, ~~October 1, 2004~~.

ITEM 2. Rescind subrule **51.18(4)**.

ITEM 3. Amend subparagraph **51.41(2)“e”(3)** as follows:

(3) The person has been convicted of a crime that is a simple misdemeanor offense under Iowa Code section 123.47 ~~or Iowa Code chapter 321~~ or a first offense of operating a motor vehicle while intoxicated under Iowa Code section 321J.2, subsection 1; and

ITEM 4. Amend paragraph **51.41(7)“a”** as follows:

a. The employer shall act to verify the information within ~~48 hours~~ seven calendar days of notification. “Verify,” for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online

search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

ITEM 5. Amend paragraph **51.41(8)“a”** as follows:

a. The hospital shall act to verify credible information within ~~48 hours~~ seven calendar days of receipt. “Verify,” for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.